

Gitto v. Asbestos
June 7, 2007

Salvatore Gitto
Video

Page 1

1 SUPREME COURT:
2 ALL COUNTIES WITHIN THE STATE OF NEW YORK
3 IN RE: NEW YORK CITY ASBESTOS LITIGATION

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7 DEPOSITION UNDER ORAL VIDEO
8 EXAMINATION OF
9 SALVATORE GITTO

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14 This Document Applies To:
15 SALVATORE GITTO
16 INDEX NO: 07/105033

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1	Transcript of the video deposition of the	1 APPEARANCES
2	witness, called for Oral Examination in the	2 McGuire Woods, LLP
3	above-captioned matter, said deposition being taken	1345 Avenue of the Americas
4	pursuant to Federal Rules of Civil Procedure by and	3 7th Floor
5	before DORENE MAROTTA, CSR, a Notary Public and	New York, New York 10105
6	Certified Shorthand Reporter, at the home of the	4 BY: SARAH SCHAEFFER-ROTH, ESQ.
7	Plaintiff, 324 95th Street, Brooklyn, New York, on	Attorneys for Defendant, American Standard
8	Thursday, June 7, 2007, commencing at approximately	5
9	12:15 in the afternoon.	6
10		7 DARGER & ERRANTE, LLP
11		116 East 27th Street, 12th Floor
12		New York, New York 10016
13		8 BY: ROBERT BOATTI, ESQ.
14		Attorneys for Defendant, Hopeman Brothers
15		9
16		10 HOAGLAND, LONGO, MORAN, DUNST & DOUKAS, LLP
17		11 40 Paterson Street
18		New Brunswick, New Jersey 08903
19		12 BY: BRUCE MCCOY, ESQ.
20		Attorneys for Defendant, Johnston Boiler
21		13
22		14 LEADER & BERKON, ESQS.
23		15 630 Third Avenue
24		New York, New York 10017
25		16 BY: DANIELLE CENEUS, ESQ.
		Attorneys for Defendant, IMO Industries
		17
		18 SEGAL, MCCAMBRIDGE, SINGER & MAHONEY, LTD.
		19 805 Third Avenue, Suite 400
		New York, New York 10022
		20 BY: ARLENE GHARABEIGIE, ESQ.
		Attorneys for Defendants, Garlock, Anchor, Gardner
		21 Denver, Fairbanks, Morse Pump
		22
		23 CLEMENTE MUELLER, PA
		24 218 Ridgedale Avenue
		25 Morristown, New Jersey 07962-1296
		BY: MATTHEW SAMPAR, ESQ.
		Attorneys for Defendant, Durabla
	Page 3	Page 5
1	APPEARANCES	1 APPEARANCES
2	LEVY, PHILLIPS & KONIGSBERG, LLP.	2 WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER, LLP
3	800 Third Avenue, 13th Floor	150 East 42nd Street, 23rd Floor
4	New York, New York 10022	3 New York, New York 10017
5	BY: JEROME BLOCK, ESQ.	4 BY: ERIK DIMARCO, ESQ.
6	Attorneys for Plaintiff	4 Attorneys for Defendants, Murphy Industries, A.W.
7	MALABY, CARLISLE & BRADLEY, P.C.	Chesterton
8	150 Broadway, Suite 600	5
9	New York, New York 10038	6
10	BY: EVA WAYNE, ESQ.	7 WATERS, McPHERSON & McNEILL, PC
11	Attorneys for Defendants, CBS, J.H. France	700 Lighting Way, 7th Floor
12	9	Secaucus, New Jersey 07096
13	AHMUTY, DEMERS & MCMANUS, ESQS.	8 BY: DONALD FAY, ESQ.
14	200 I.U. Willets Road	Attorneys for Defendant, Elliott Turbomachines
15	Albertson, New York 11507	9
16	BY: KEITH TOLA, ESQ.	10 WILBRAHAM, LAWLER & BUBA, PC
17	Attorneys for Defendant, Carrier Corp.	11 1818 Market Street, Suite 3100
18	PEHLIVANIAN, BRAATEN & PASCARILLA, LLC.	Philadelphia, Pennsylvania 19103
19	2430 Route 34	12 BY: KEITH BABULA, ESQ.
20	Manasquan, New Jersey 08736	Attorneys for Defendant, BPI
21	BY: MICHELE MITTELMAN, ESQ.	13
22	Attorneys for Defendant, Ingersoll Rand Co.	14 CULLEN & DYKMAN, LLP
23	KIRKPATRICK & LOCKHART, PRESTON GATES ELLIS, LLP-	15 177 Montague Street
24	One Newark Center, 10th Floor	Brooklyn, New York 11201
25	Newark, New Jersey 07102	16 BY: JUSTIN M. TAFE, ESQ.
	BY: YEUGENIA SAMARDIN, ESQ.	Attorneys for Defendants, Goulds Pumps, Leslie
	Attorneys for Defendants, Crane, Cahi Pumps	Controls, Howden Buffalo
	MCGIVNEY & KLUGER, PC	18
	80 Broad Street, 23rd Floor	19 FELDMAN, KIEFFER & HERMAN, LLP
	New York, New York 10004	The Dun Building
	BY: KERRYANN COOK, ESQ.	20 110 Pearl Street, Suite 400
	Attorneys for Defendants, Aurora, Taco, Flowserv, Hercules Chem.	Buffalo, New York 14202
		21 BY: BRIAN McCAFFREY, ESQ.
		Attorneys for Defendant, Selby Battersby
		22
		23
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1 A P P E A R A N C E S		1 IT IS HEREBY STIPULATED AND AGREED by	
2 KELLEY, JASONS, MCGOWEN, SPINELLI & HANNA, LLP		2 and between the attorneys for the respective parties	
120 Wall Street		3 hereto that filing, sealing and certification of the	
3 30th Floor		4 within Examination Before Trial be waived; that all	
New York, New York 10005		5 objections, except as to form, are reserved to the	
4 BY: CHRISTOPHER HANNAN, ESQ.		6 time of trial.	
Attorneys for Defendant, FMC Corporation on behalf		7 IT IS FURTHER STIPULATED AND AGREED	
5 of its former Northern Pump and Peerless Pump Business		8 that the transcript may be signed before any Notary	
6		9 Public with the same force and effect as if signed	
7 WEINER LESNIAK, LLP		10 before a Clerk or Judge of the Court.	
888 Veterans Memorial Highway, Suite 540		11 IT IS FURTHER STIPULATED AND AGREED	
8 Hauppauge, New York 11788		12 that the within examination may be utilized for all	
9 BY: MATTHEW STRAUS, ESQ.		13 purposes as provided by the CPLR.	
Attorneys for Defendant, Peerless Industries, Inc.		14 IT IS FURTHER STIPULATED AND AGREED	
10		15 that all rights provided to all parties by the CPLR	
11 ANDERSON, KILL & OLICK, P.C.		16 shall not be deemed waived and the appropriate	
1251 Avenue of the Americas		17 sections of the CPLR shall be controlling with	
12 New York, New York 10020		18 respect thereto.	
BY: MICHAEL SILVERMAN, ESQ.		19 IT IS FURTHER STIPULATED AND AGREED	
13 Attorneys for Defendant, Union Carbide		20 by and between the attorneys for the respective	
14		21 parties hereto that a copy of this Examination shall	
LAVIN, O'NEIL, RICCI,		22 be furnished, without charge, to the attorney	
CEDRONE & DISPIRO, ESQS.		23 representing the witness testifying herein.	
420 Lexington Avenue		24	
Graybar Building		25	
New York, New York 10170			
BY: TIMOTHY J. McHUGH, ESQ.			
Attorneys for Defendant, Otis Elevator Co.			
18			
19			
DICKIE, McCAMEY & CHILCOTE, P.C.			
20 West Kings Highway, Suite 200			
Haddonfield, New Jersey 08033-2116			
BY: TONY TANCINI, ESQ.			
Attorneys for Defendants, Yanway, Inc., Tyco Flow			
Control, Inc.			
21			
22			
23			
24			
25			

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1 A P P E A R A N C E S		1 I N D E X	
2 GILBERT & GILBERT, LLC		2 WITNESS NAME	PAGE NO.
350 Fifth Avenue		3 SALVATORE GITTO	
3 The Empire State Building, Suite 5615		4 Examination by MR. BLOCK	10
New York, New York 10118		5	
4 BY: BRENDAN CHAO, ESQ.		6	
Attorneys for Defendant, NG		7 E X H I B I T S	
5		8 EXHIBIT	DESCRIPTION
6		9 P-4	PAGE
7 BIVONA & COHEN, PC		10 P-5	51
88 Pine Street		11 P-6	53
8 New York, New York 10005		12 P-7	53
BY: PATRICK STEINBAUER, ESQ.		13 P-8	53
9 Attorney for Defendant, Eaton		14	
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11		16 *** See page 57 regarding marking	66
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14		19 P-10	66
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<p style="text-align: right;">Page 10</p> <p>1 THE VIDEOGRAPHER: Today's date is June 2 7, 2007. The time is 12:18 p.m. My name is 3 Jim Brady. I'm the videographer. I'm from 4 Certified Video Productions. I ask now that 5 the court reporter please swear in the 6 witness.</p>	<p style="text-align: right;">Page 12</p> <p>1 current home? 2 A. Since 1988. 3 Q. And who do you live here with, Mr. Gitto? 4 A. My wife, Phyllis. 5 Q. And approximately how long have you been 6 married to your wife Phyllis? We don't need the 7 exact numbers. 8 A. Fifty-three years. 9 Q. Okay. That's pretty exact. 10 Do you and Phyllis have children? 11 A. Three. 12 Q. And do you have grandchildren? 13 A. Seven. 14 Q. Mr. Gitto, are you a veteran of the 15 United States Army? 16 A. I am. 17 Q. And are you a veteran of the United 18 States Navy? 19 A. U.S. Army. 20 Q. Okay. Did you also -- were you also 21 employed by the Navy during your life? 22 A. Thirty-five years. 23 Q. Mr. Gitto, I'd like to take you back to 24 the year 1951, okay? 25 A. Um-hum.</p>
<p style="text-align: right;">Page 11</p> <p>1 SALVATORE GITTO, 2 called as a witness, having been first duly sworn by 3 a Notary Public of the State of New York, was 4 examined and testified as follows: 5 EXAMINATION BY 6 MR. BLOCK: 7 Q. Good afternoon, Mr. Gitto. 8 A. Good afternoon. 9 Q. Hi. As you know, my name is Jerome 10 Block, and I'm one of the attorneys representing you 11 in this case. Mr. Gitto, I'm going to try to keep my 12 voice up, because I know that recently, you've been 13 having trouble hearing, and please let me know if I 14 should speak louder at any time. Okay? 15 A. Okay. 16 Q. Mr. Gitto, where are we today? 17 A. We're located in my home at 324 95th Street, 18 Brooklyn, New York. 19 Q. And what neighborhood in Brooklyn are we 20 in right now? 21 A. Bay Ridge, Brooklyn. 22 Q. And have you lived in Bay Ridge in 23 Brooklyn your whole life? 24 A. Essentially my whole life, yes. 25 Q. And how long have you lived in this</p>	<p style="text-align: right;">Page 13</p> <p>1 Q. And did you begin employment with the 2 United States Navy in 1951? 3 A. Brooklyn Navy Yard, Brooklyn, New York. 4 Q. And approximately what month in 1951 did 5 you first begin work in the Brooklyn Navy Yard? 6 A. It was April of 1951. 7 Q. And, sir, what is your date of birth? 8 A. 11/5/32. 9 Q. So, at the time that you began at the 10 Brooklyn Navy Yard, you were still 18 years old? 11 A. Yes. 12 Q. Why did you decide to begin work at the 13 Brooklyn Navy Yard in April 1951? 14 A. There were employment opportunities that were 15 paying better than other opportunities in the area, 16 and I was looking to learn a trade. 17 Q. And was this during a time of war? 18 A. The Korean War had started in June of 1950. 19 Q. And how, if at all, was the Brooklyn Navy 20 Yard assisting the war effort at the time you began 21 with the Brooklyn Navy Yard in April of 1951? 22 A. Absolutely. They were mobilizing and bringing 23 ships in to come ready to participate in the 24 conflict, yes. 25 Q. And --</p>

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<p style="text-align: right;">Page 14</p> <p>1 A. And there was new construction going on also. 2 Q. And how did you feel about that? 3 A. I wanted to become part of it. 4 Q. You said that working at the Brooklyn 5 Navy Yard also was a decent employment opportunity 6 back then? 7 A. Yes. 8 Q. And do you recall what your pay was per 9 day? 10 A. Exactly \$9.44 a day. 11 Q. When you began at the Brooklyn Navy Yard, 12 what position or job title did you start in? 13 A. I had competed for a job as an apprentice 14 shipfitter, and I was successful and was employed. 15 Q. And how long is the apprentice program 16 for a shipfitter? 17 A. It's a four-year formal program, which 18 includes one week of formal schooling every month. 19 Q. And can you describe just generally, as 20 best you can, what a shipfitter does with regard to 21 shipbuilding or ship repair? 22 A. I like to compare it to the equivalent of a 23 carpenter in the construction industry. Build the -- 24 put the flooring in, put the walls in, put the 25 ceiling in, put the doors on, put the lath, put the</p>	<p style="text-align: right;">Page 16</p> <p>1 Q. Can you tell the jury what you did in the 2 Army and where you did your service? 3 A. I wound up in the medical service. I was 4 trained as an X-ray technician. Served two years in 5 Fort Belvoir, Virginia as an X-ray tech working in 6 the Army hospital down there. 7 Q. After you were honorably discharged from 8 the Army, did you return to the Brooklyn Navy Yard? 9 A. Yes. 10 Q. And, at that point in time, did you 11 continue your apprenticeship in the trade of 12 shipfitter? 13 A. Yes. 14 Q. Do you recall when you completed your 15 shipfitter apprenticeship? 16 A. It would have been an additional two more 17 years for a total of six years. 18 Q. Okay. Let me show you what has been 19 previously marked and discussed as Exhibit D-1 to 20 your deposition. 21 A. Um-hum. 22 Q. Do you recognize Exhibit D-1? 23 A. Yes. This is my certificate of completion as 24 an -- my apprenticeship program in April of 1957. 25 Q. And is that a true and accurate copy of</p>
<p style="text-align: right;">Page 15</p> <p>1 staircases in, and generally it's work that's done 2 with structural steel. 3 Q. How, if at all -- strike that. How, if at 4 all, is the building of foundations on a ship part of 5 the trade of shipfitter? 6 A. All the equipment on a ship is mounted on some 7 sort of foundation. The responsibility for the 8 installation of those foundations, the location of 9 those foundations, are a shipfitter's responsibility. 10 Q. Now, did there come a point in time when 11 you were drafted into the Army? 12 A. December 1952. 13 Q. Okay. And at that time, was your 14 apprenticeship program at the Brooklyn Navy Yard 15 interrupted? 16 A. Yes. 17 Q. And did you serve in the United States 18 Army? 19 A. For two years. 20 Q. When were you -- do you recall exactly 21 when you were discharged from the Army? 22 A. December 1954, from active duty. I still had 23 reserve time to serve. 24 Q. And what type of discharge was it? 25 A. Honorable.</p>	<p style="text-align: right;">Page 17</p> <p>1 the original certificate that you've kept in your 2 possession to this day? 3 A. Yes. 4 Q. Can you just show that to the camera so 5 it can be seen? 6 (Witness complying with request) 7 Q. And the certificate reflects that you 8 completed your apprenticeship as a shipfitter on or 9 about April 29th, 1957. Is that consistent with your 10 recollection? 11 A. Yes. 12 Q. After you became a shipfitter or -- 13 strike that. 14 When did you leave the Brooklyn Navy 15 Yard? 16 A. When it closed in nineteen -- May of 1966. 17 Q. Okay. And were you a shipfitter up until 18 the time that you left the Brooklyn Navy Yard in 19 about May 1966? 20 A. No. I had received the promotion to 21 shipbuilding inspector, shipbuilding and hull 22 machinery inspector. 23 Q. And was that several years -- did that 24 promotion occur several years before you left the 25 Brooklyn Navy Yard?</p>

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<p style="text-align: right;">Page 18</p> <p>1 A. Yes.</p> <p>2 Q. And your title of ship inspector, was 3 that a title that included certain parts of the ship 4 or certain subjects?</p> <p>5 A. Generally, it included the -- it didn't really 6 get involved with -- other than -- there were 7 specific areas that shipfitters focused on. One 8 instance would be the anchor would be the 9 responsibility of a shipfitter. The steering gear 10 would be the responsibility or shipfitter work. The 11 transfer of fuel to personnel would be the 12 responsibility of a shipfitter.</p> <p>13 Q. In your work as a shipfitter, what, if 14 any, responsibility did you have with regard to 15 machinery?</p> <p>16 A. In the machinery spaces, all of the equipment 17 was mounted on foundations. It was shipfitter 18 responsibility to see that these foundations were in 19 the accurate location, that they were in good shape 20 and that they served the function that they were 21 meant to serve, that they were in according to the 22 blueprints and specifications.</p> <p>23 Q. Mr. Gitto, I now want to ask you some 24 questions about your work at the Brooklyn Navy Yard 25 during your entire career there during the years 1951</p>	<p style="text-align: right;">Page 20</p> <p>1 Q. Now, can you describe for us, Mr. Gitto, 2 what type of work, if any, you did during the new 3 constructions of ships at the Brooklyn Navy Yard 4 relating to equipment?</p> <p>5 A. Well, relating to equipment, a ship is built 6 up, as you know, from the keel up, and then they 7 start putting structural members, steel beams. They 8 start building engine spaces and different spaces 9 where equipment goes into, and I would have been 10 involved with that build-up of the ship's structure 11 and then any foundations that might have -- that the 12 equipment might have had to be mounted on the 13 inside of the ship.</p> <p>14 Q. Why did equipment have to be put on 15 foundations on a Navy ship?</p> <p>16 A. It was the way they secured it to the ship, 17 otherwise it would move around, roll-around, become a 18 danger to a person's health or damage of the 19 equipment. Had to be secured.</p> <p>20 Q. Throughout your career at the Brooklyn 21 Navy Yard, did you build foundations for valves?</p> <p>22 A. Yes.</p> <p>23 Q. And throughout your career at the 24 Brooklyn Navy Yard, did you build foundations for 25 turbines?</p>
<p style="text-align: right;">Page 19</p> <p>1 and 1952 and also during the years 1954 through 1966, 2 okay? Now, during your years at the Brooklyn Navy 3 Yard, did you do work on new construction of ships?</p> <p>4 A. Yes, sir.</p> <p>5 Q. And, as you sit here today, do you recall 6 some of these ships that you did new construction on 7 at the Brooklyn Navy Yard?</p> <p>8 A. Yes, sir.</p> <p>9 Q. And can you identify those for the jury?</p> <p>10 A. There are two that I recall, the U.S.S. 11 Constellation and the U.S.S. Saratoga. For the 12 first -- CV-60 was the Saratoga, and it was the first 13 new construction ship. There might have been -- 14 there was a new type of ship also, landing personnel 15 built for the Marine Corps, the OPDs. I think U.S.S. 16 Raleigh was one of them.</p> <p>17 Q. And were there other ships other than the 18 Constellation, the Saratoga and the Raleigh in which 19 you did work on new construction at the Brooklyn Navy 20 yard?</p> <p>21 A. There may have been. I don't recall the names 22 offhand.</p> <p>23 Q. Okay.</p> <p>24 A. Oh, I'm sorry. There was one more. Excuse 25 me. The Independence. CV-62 was a new -- new ship.</p>	<p style="text-align: right;">Page 21</p> <p>1 A. Yes.</p> <p>2 Q. Throughout your career at the Brooklyn 3 Navy Yard, did you build foundations for compressors?</p> <p>4 A. Yes.</p> <p>5 Q. Throughout your career at the Brooklyn 6 Navy Yard, did you build foundations for pumps?</p> <p>7 A. Yes.</p> <p>8 Q. What would happen, Mr. Gitto, after you 9 built the foundations for this type of equipment on a 10 ship? What would happen next in the process?</p> <p>11 A. The next trade that would come along would 12 probably be machinists, outside machinists that were 13 responsible for the installation and the operation of 14 their particular equipment, and they would start 15 doing their things, like shimming and lining up 16 various piping and electrical wiring. Again, 17 electricians would be part of the operation, 18 machinists. Pipe fitters would fit all the piping 19 to -- pipe coverers that would protect the piping, 20 insulate it.</p> <p>21 Q. What, if anything, would the pipe 22 coverers or lagers do with regard to the surface of 23 the equipment, of the types of equipment that you've 24 referred to?</p> <p>25 A. To my knowledge, they were covered with</p>

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<p style="text-align: right;">Page 22</p> <p>1 asbestos pipe covering or insulation for protection. 2 Q. And where would you be, sir, when pipe 3 coverers were -- or ladders were insulating this 4 equipment? 5 MS. MITTELMAN: Objection. 6 A. In the general area. 7 Q. And -- 8 A. No one specific location. 9 Q. And were you -- 10 A. My jobs took me from all over. 11 Q. And were you able to observe the 12 conditions in the air when the type of equipment 13 you've referred to was being insulated? 14 MS. MITTELMAN: Objection. 15 A. Yes. 16 Q. And can you describe the conditions in 17 the air when the insulators would be insulating the 18 surface of the equipment that you've referred to? 19 MS. MITTELMAN: Objection. 20 MS. WAYNE: Form. 21 MR. HANNAN: Objection. 22 A. Usually dusty and dirty and filled with 23 fibers. 24 Q. And when I say the equipment that you've 25 referred to before -- that you've referred to</p>	<p style="text-align: right;">Page 24</p> <p>1 have to pass cool water around the piece of equipment 2 to keep it at a desired temperature. That piping I 3 would classify as associated piping or... 4 Q. In your mind, does associated piping 5 include piping that would come with the equipment? 6 MS. WAYNE: Objection to form. 7 MS. MITTELMAN: Objection. 8 A. May or may not. 9 Q. Sir, during your years at the Brooklyn 10 Navy Yard, did you also work on ships that were being 11 taken out of mothballs? 12 A. Yes. 13 Q. And can you describe to the jury what it 14 means for a ship to be taken out of mothballs? 15 A. I think essentially after World War II, they 16 had an excess of a number of ships that weren't in 17 their current need. In order not to -- in order to 18 preserve those ships in case of an emergency, they 19 went through a process called mothballing, so that 20 they could easily be recovered in a short period of 21 time and be put back in service. That process meant 22 a lot of preserving, a lot of covering and coating 23 and covering the holes that -- the ship had numerous, 24 numerous holes in them, and they all had to be 25 sealed. Ship was then coated in cosmaline (phonetic)</p>
<p style="text-align: right;">Page 23</p> <p>1 previously, would that include pumps? 2 MR. HANNAN: Objection. 3 MS. MITTELMAN: Objection. 4 A. Yes. 5 Q. Would it include valves? 6 A. Yes. 7 Q. Would it include turbines? 8 MS. WAYNE: Form. 9 A. Yes. 10 Q. And would it include compressors? 11 MS. MITTELMAN: Objection. 12 A. Yes. 13 Q. Earlier in your testimony today, you were 14 asked about associated piping. Do you remember that? 15 The term "associated piping." 16 A. Um-hum. 17 Q. And can you describe the function of 18 associated piping or -- strike that. 19 Can you just tell us what that means, 20 "associated piping," in your mind. 21 MS. MITTELMAN: Objection. 22 MR. STEINBAUER: Form. 23 A. It may not be piping that's directly involved 24 in the operation of that particular machine, but 25 maybe -- it may be a cooling function that they might</p>	<p style="text-align: right;">Page 25</p> <p>1 or some other protective device and put in some 2 remote area and was, in fact, used during some 3 subsequent conflicts. 4 Q. And do you recall the name of any 5 particular ships that you worked on when the ship was 6 being taken out of mothballs? 7 A. There were a couple of them. The New Jersey 8 was one that comes to mind that was mothballed. 9 Another one was the battleship Missouri. I'm pretty 10 sure that was mothballed and taken out, and I worked 11 on it. 12 Q. Were there other ships that you worked on 13 that were taken out of mothballs where you can't 14 specifically identify that ship as you sit here right 15 now? 16 A. Yes. 17 Q. Now, Mr. Gitto, what work did you perform 18 on ships that were being taken out of mothballs at 19 the Brooklyn Navy Yard that related to equipment in 20 any way? 21 A. Main function was to uncover all the holes 22 that were sealed and make sure that they were clear 23 and that fluid is able to flow through them; but in 24 addition to that, if there was any new equipment that 25 was being installed, to assure that it was located,</p>

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<p style="text-align: right;">Page 26</p> <p>1 there was room for new equipment and that it was in 2 the proper location. It was a new location that was 3 designated, and that meant rebuilding the foundation, 4 welding, cutting and tack welding it to be 5 permanently welded to the deck.</p> <p>6 Q. How common, if at all, was it for 7 equipment to be replaced during the process of taking 8 a ship out of mothballs?</p> <p>9 A. Fairly common.</p> <p>10 Q. In your work on ships that were being 11 taken out of mothballs, were you present when pumps 12 were replaced?</p> <p>13 MR. HANNAN: Objection</p> <p>14 A. Yes.</p> <p>15 Q. Were you present when valves were 16 replaced?</p> <p>17 A. Yes.</p> <p>18 Q. Were you present when turbines were 19 replaced?</p> <p>20 MS. WAYNE: Form.</p> <p>21 A. Yes.</p> <p>22 Q. And were you present when compressors 23 were replaced?</p> <p>24 MS. MITTLEMAN: Objection.</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 28</p> <p>1 ship being taken out of mothballs?</p> <p>2 MS. MITTLEMAN: Objection.</p> <p>3 A. Well, I had to assure that the old equipment 4 that was on there was taken off and properly disposed 5 of, and I would acquire services usually of a burner, 6 an acetylene torch. Would come along and burn the 7 bottom physically and remove the foundation. 8 Electrician would then come along and remove the old 9 bundle of wires. Pipe fitter come and remove his 10 piping. Lagger would remove his insulation, and we'd 11 have to start with a clean start and lay out a new 12 area where the equipment belonged.</p> <p>13 Q. How would the insulation be removed from 14 old equipment as you observed it?</p> <p>15 MS. MITTLEMAN: Objection.</p> <p>16 MR. HANNAN: Objection.</p> <p>17 A. Usually in a destructive manner. Since it was 18 all being scrapped, they would come along with their 19 acetylene torches, burn the stuff off, chip it off, 20 rip it off with a hammer. Whatever was the easiest 21 way for them to remove it.</p> <p>22 Q. And what would the conditions be like in 23 the vicinity of that insulation as you observed it?</p> <p>24 MS. MITTLEMAN: Objection.</p> <p>25 MR. HANNAN: Objection.</p>
<p style="text-align: right;">Page 27</p> <p>1 Q. Now, sir -- strike that.</p> <p>2 What, if anything, would you have to do 3 with regard to determining whether the foundation in 4 the ship was suitable for a piece of equipment when a 5 ship was being taken out of mothballs?</p> <p>6 A. Have to get the current specification and 7 drawing, and check the actual location against the 8 new requirement.</p> <p>9 Q. And if the foundation was not suitable, 10 what would you have to do?</p> <p>11 A. Probably remove the old foundation and all the 12 associated piping and electrical connections and 13 prepare it for new installation by various trades.</p> <p>14 Q. And how common, if at all, was that when 15 you were doing work taking ships out of mothballs?</p> <p>16 A. Fairly common. The configuration of equipment 17 changed considerably. We're talking a period of 18 three in the end of World War II and the start of the 19 Korean War. Period of five years. Equipment 20 changed. Configurations changed. A pipe came out 21 this side of a pump, now it came out this side of a 22 pump. You would need new foundation, new piping, new 23 electrical wiring. So, it's fairly common.</p> <p>24 Q. Now, what, if anything, would you be 25 doing when this old equipment would be removed from a</p>	<p style="text-align: right;">Page 29</p> <p>1 A. Horrible. Dusty, dirty. Fibers, could 2 breathe the dust in. The room was so bad you could 3 hardly see your hand in front of your face. The 4 ventilation was very poor.</p> <p>5 Q. Let me ask you as a separate question. 6 How was the ventilation in these spaces of the ship 7 where old equipment was being removed?</p> <p>8 MS. WAYNE: Objection.</p> <p>9 A. Very poor.</p> <p>10 Q. Would large pieces of equipment ever have 11 to be taken apart or broken down in preparation for 12 removal from the ship?</p> <p>13 MS. MITTLEMAN: Objection.</p> <p>14 MR. HANNAN: Objection.</p> <p>15 MR. STEINBAUER: Objection.</p> <p>16 A. Yes.</p> <p>17 Q. And did you observe pumps being broken 18 down before they'd be removed from ships?</p> <p>19 MS. MITTLEMAN: Objection.</p> <p>20 MR. HANNAN: Objection.</p> <p>21 MR. STEINBAUER: Objection.</p> <p>22 A. Yes.</p> <p>23 Q. Did you observe valves being broken down 24 before they'd be removed from ships?</p> <p>25 A. All kinds of equipment, yes.</p>

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<p style="text-align: right;">Page 30</p> <p>1 Q. And would that also include turbines and 2 compressors?</p> <p>3 MS. WAYNE: Objection to form.</p> <p>4 MS. MITTELMAN: Objection.</p> <p>5 MR. STEINBAUER: Objection.</p> <p>6 A. All kinds of equipment.</p> <p>7 Q. What would the different trades use -- 8 strike that.</p> <p>9 And did you observe that, sir?</p> <p>10 A. Yes, sir.</p> <p>11 Q. What did you observe the various trades 12 using to break a piece of equipment apart before it 13 would be in preparation for removal from the ship?</p> <p>14 MS. MITTELMAN: Objection.</p> <p>15 MR. HANNAN: Objection.</p> <p>16 A. Depended on the equipment. Anything from an 17 acetylene torch to chipping hammer to more -- 18 anything to make the piece small enough so they could 19 be sent up, because these spaces were usually buried 20 in the bowels of the ship and have to be raised and 21 taken off the ship, you know, greater height.</p> <p>22 Q. Now, when new equipment was then being 23 put in when a ship was being taken out of mothballs, 24 would you build a foundation?</p> <p>25 A. If it was necessary, yes.</p>	<p style="text-align: right;">Page 32</p> <p>1 in the vicinity when the new pieces of equipment were 2 being insulated. Do you recall that?</p> <p>3 A. All the time. They would need -- possibly 4 need the services of a shipfitter to move a stanchion 5 that might have been in the way or a door was too 6 small, it had to be removed or a ladder had to be 7 taken off so they could put -- you had shipfitters 8 standing by when all of this was going on.</p> <p>9 Q. Okay. And were those some of the reasons 10 why, as a shipfitter, you would still be in the area 11 when a new piece of equipment was being insulated?</p> <p>12 MR. TOLA: Objection.</p> <p>13 A. My job.</p> <p>14 Q. Were there times when you were building 15 or repairing a new piece of equipment where there 16 were other pieces of equipment that were being 17 insulated in the same vicinity?</p> <p>18 MS. MITTELMAN: Objection.</p> <p>19 MR. HANNAN: Objection.</p> <p>20 A. Sure.</p> <p>21 Q. How common, if at all, was that?</p> <p>22 A. Fairly common. Half the time.</p> <p>23 Q. Now, during your career at the Brooklyn 24 Navy Yard, did you also work on ships that were being 25 rehabilitated or modernized?</p>
<p style="text-align: right;">Page 31</p> <p>1 Q. Sometimes could you just repair the 2 foundation?</p> <p>3 A. Yes.</p> <p>4 Q. Again, what would be the process once you 5 set up the foundation? What would be the process 6 with regard to the new equipment?</p> <p>7 MS. MITTELMAN: Objection.</p> <p>8 A. Once I finished with my portion, assured 9 myself and my associates that the foundation was in 10 the proper location, there'd usually be a series of 11 holes that had to be drilled on the equipment into 12 the foundation. So, the outside machinists were the 13 ones that were responsible for that particular 14 function, and then the process would begin. 15 Electricians would come in, start laying out the 16 wires that they needed. Pipe fitters would lay out 17 the piping. Ventilation people sometimes had to be 18 involved if there was interference with the existing 19 ventilation, and the process would go on until the 20 equipment got installed. Installation was usually 21 handled by a trade group called the riggers. They 22 would be responsible for the lifting, securing of 23 that piece of equipment so it landed on the 24 foundation.</p> <p>25 Q. Earlier you testified that you would be</p>	<p style="text-align: right;">Page 33</p> <p>1 A. Yeah. The Navy had a program called a FRAM, 2 Fleet Rehabilitation and Modernization program. 3 These mainly were destroyers, World War II destroyers 4 that were built during World War II, destroyers and 5 destroyer escorts, and most of them were 20, 30 years 6 old and pretty dilapidated. So, the Navy set up a 7 program to rehabilitate these type of vessels and 8 make them into, I guess, mostly radar picket ships, 9 submarine, anti-submarine warfare and that type. So, 10 there were extensive ships came in, fairly extensive 11 time. I don't recall exactly how long, but there 12 were -- a lot of work was done. There was a lot of 13 ripping out and building up pieces that were 14 deteriorated. Actually pieces of the shell of the 15 ship that were rotted through. That's how long they 16 were out there.</p> <p>17 Q. Was this type of work, I believe you 18 mentioned, known as FRAM overhauls?</p> <p>19 A. FRAM.</p> <p>20 Q. And that's an acronym. What does that -- 21 F-R-A-M --</p> <p>22 A. Fleet rehabilitation and modernization.</p> <p>23 Q. And do you remember any specific ships 24 that you worked on doing a FRAM overhaul?</p> <p>25 A. There were a number of ships. I don't</p>

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<p style="text-align: right;">Page 34</p> <p>1 remember all of the names. Actually, one or two 2 stick out in my mind. The Putnam and I believe the 3 Mackenzie is another one that I spent a fair amount 4 of time on. It wasn't like you were assigned to one 5 ship and stayed on it for a year. You might work on 6 it for a day or a week and go to another ship. It's 7 a little difficult to remember all the names.</p> <p>8 Q. Okay. Other than the Putnam and the 9 Mackenzie, were there other FRAM overhauls that you 10 worked on which involved destroyers and destroyer 11 escorts at the Brooklyn Navy Yard?</p> <p>12 A. Many of them.</p> <p>13 Q. And what, if any, work with FRAM 14 overhauls related to equipment?</p> <p>15 A. In a very similar manner to the work that I 16 was doing on new construction would be the type of 17 work I would be doing on a FRAM. Checking the old 18 foundations, any new equipment that needed 19 relocation, built up a new foundation, and any other 20 associated type of work that had to do with 21 deterioration or rebuilding of the ship to make it 22 serviceable again.</p> <p>23 Q. Would the work that you performed in the 24 removal of old equipment and the installation of new 25 equipment in FRAM overhauls be the same as you've</p>	<p style="text-align: right;">Page 36</p> <p>1 equipment installed when you did work in FRAM 2 overhaul similar to what you described previously 3 when a ship was being taken out of mothballs?</p> <p>4 MS. MITTELMAN: Objection.</p> <p>5 MR. HANNAN: Objection.</p> <p>6 A. Very similar. Actually, if I had to say there 7 was a difference, the ships that were in the 8 mothballs might have been dirtier and accumulated 9 more dust. Just a dirtier work environment because 10 of the length of time that they were using...</p> <p>11 Q. Okay. You were asked earlier today about 12 Vicker valves. Do you recall that testimony?</p> <p>13 A. Um-hum.</p> <p>14 Q. And did you work around Vickers valves on 15 Navy ships throughout your career at the Brooklyn 16 Navy Yard?</p> <p>17 A. Yes.</p> <p>18 Q. You were also asked about Vickers pumps. 19 Did you work around Vickers pumps on Navy ships 20 throughout your career at the Brooklyn Navy Yard?</p> <p>21 A. Yes.</p> <p>22 Q. And was the type of work that you did in 23 the vicinity of Vickers valves and pumps at the 24 Brooklyn Navy Yard what you have described in your 25 testimony on this videotape today?</p>
<p style="text-align: right;">Page 35</p> <p>1 described previously in your testimony?</p> <p>2 MS. WAYNE: Objection, foundation.</p> <p>3 MS. MITTELMAN: Objection.</p> <p>4 MR. STEINBAUER: Objection.</p> <p>5 MR. HANNAN: Objection.</p> <p>6 A. Very much the same.</p> <p>7 Q. How, if at all, did your work on the 8 removal of old equipment differ when you were 9 involved in a FRAM overhaul as compared to when a 10 ship was being taken out of mothballs?</p> <p>11 MS. WAYNE: Objection to form.</p> <p>12 A. I can't think of any differences. The work 13 was very, very similar.</p> <p>14 Q. And how, if at all, did your work in 15 assisting with the installation of new equipment 16 differ, if at all, with a FRAM overhaul versus taking 17 a ship out of mothballs, which you described earlier?</p> <p>18 A. The process was very similar. We checked, we'd 19 see if the foundation's in the proper location. If 20 it wasn't, it had to be removed. Everything 21 associated would have to change and would have to be 22 rebuilt again if it needed. So, the process is very 23 similar.</p> <p>24 Q. And were the conditions that you observed 25 when old equipment was being taken out and new</p>	<p style="text-align: right;">Page 37</p> <p>1 A. Yes.</p> <p>2 MR. STEINBAUER: Form.</p> <p>3 Q. Sir, I believe counsel -- strike that.</p> <p>4 Sir, did you work around Ingersoll-Rand 5 pumps on Navy ships throughout your career at the 6 Brooklyn Navy Yard?</p> <p>7 MS. MITTELMAN: Objection to form.</p> <p>8 Q. There was an objection, so let me phrase 9 it a little different.</p> <p>10 How often did you work on Ingersoll-Rand 11 pumps on Navy ships during your career at the 12 Brooklyn Navy Yard?</p> <p>13 A. They were pretty common pumps. They were all 14 over the ship. So, it was quite often. If I was in 15 the area.</p> <p>16 Q. Have you described on this videotape 17 today the type of work you would be doing around 18 Ingersoll-Rand pumps?</p> <p>19 A. Similar to what I've testified to before.</p> <p>20 Q. Sir, did you work around Ingersoll-Rand 21 compressors on Navy ships throughout your career at 22 the Brooklyn Navy Yard?</p> <p>23 MS. MITTELMAN: Objection.</p> <p>24 A. Yes.</p> <p>25 Q. There was an objection, so let me ask it</p>

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<p style="text-align: right;">Page 38</p> <p>1 a little different.</p> <p>2 How often, if at all, did you work around</p> <p>3 Ingersoll-Rand compressors on Navy ships during your</p> <p>4 career at the Brooklyn Navy Yard?</p> <p>5 MS. MITTELMAN: Objection.</p> <p>6 A. Quite often.</p> <p>7 Q. Have you described for the jury today on</p> <p>8 this videotape the type of work that you did around</p> <p>9 Ingersoll-Rand compressors during your career at the</p> <p>10 Brooklyn Navy Yard?</p> <p>11 A. Again, testified to similar operations. Would</p> <p>12 check to see that the existing foundation and pump</p> <p>13 were in the right location and didn't need any</p> <p>14 modification or any changes made to it.</p> <p>15 Q. Have you fully described the type of</p> <p>16 conditions that you observed around Ingersoll-Rand</p> <p>17 compressors on this videotape?</p> <p>18 MS. MITTELMAN: Objection.</p> <p>19 A. I believe so.</p> <p>20 Q. What, if anything, covered the surface of</p> <p>21 the Ingersoll-Rand pumps?</p> <p>22 MS. MITTELMAN: Objection.</p> <p>23 A. Usually was an asbestos blanket.</p> <p>24 Q. And how, if at all, would that asbestos</p> <p>25 blanket on the Ingersoll-Rand pumps be disturbed in</p>	<p style="text-align: right;">Page 40</p> <p>1 your hand.</p> <p>2 Q. What, if anything, sir, covered the</p> <p>3 surface of the Ingersoll-Rand compressors?</p> <p>4 A. Again, similar blankets we used to cover the</p> <p>5 surface with those.</p> <p>6 Q. And would the manner in which the</p> <p>7 asbestos blanket covering was removed from</p> <p>8 Ingersoll-Rand compressors differ in any way than</p> <p>9 what you've already described when that same covering</p> <p>10 was removed from Ingersoll-Rand pumps?</p> <p>11 MS. MITTELMAN: Objection.</p> <p>12 A. No.</p> <p>13 Q. And did you personally observe the</p> <p>14 asbestos blanket covering being removed from</p> <p>15 Ingersoll-Rand compressors?</p> <p>16 MS. MITTELMAN: Objection.</p> <p>17 A. Yes.</p> <p>18 Q. Sir, did you work around Westinghouse</p> <p>19 turbines on Navy ships throughout your career at the</p> <p>20 Brooklyn Navy Yard?</p> <p>21 A. I'm sure I did it, yes.</p> <p>22 Q. Have you described for the jury on this</p> <p>23 videotape today your observations working around</p> <p>24 Westinghouse turbines?</p> <p>25 MS. WAYNE: Form.</p>
<p style="text-align: right;">Page 39</p> <p>1 your presence?</p> <p>2 MS. MITTELMAN: Objection.</p> <p>3 A. If the pump had to be removed, the blanket had</p> <p>4 to be removed first, and we had various means that we</p> <p>5 used to take those blankets off, discard them.</p> <p>6 Depended if they were never going to be used again.</p> <p>7 Anything. It could have been anything.</p> <p>8 Q. And what were some of the ways in which</p> <p>9 you observed the asbestos blanket covering on</p> <p>10 Ingersol-Rand pumps being removed?</p> <p>11 MS. MITTELMAN: Objection.</p> <p>12 A. I saw all kinds of destructive manners. I saw</p> <p>13 them being burnt off, being ripped off, being</p> <p>14 hammered off. Any way that they can be easily</p> <p>15 removed was used.</p> <p>16 Q. And what, if anything, did you observe in</p> <p>17 the air when the Ingersoll-Rand pumps -- strike that.</p> <p>18 What, if anything, did you observe in the</p> <p>19 air when the asbestos blanket covering of the</p> <p>20 Ingersol-Rand pumps would be removed in what you've</p> <p>21 referred to as a destructive manner?</p> <p>22 MS. MITTELMAN: Objection.</p> <p>23 A. Destructive manner, it's usually observed</p> <p>24 fiber floating in the air. The air was so thick and</p> <p>25 dirty, like I said, you could almost move it with</p>	<p style="text-align: right;">Page 41</p> <p>1 A. I didn't have any specific responsibility on</p> <p>2 the turbine, unless there was a particular problem</p> <p>3 with a bracket, something protruding, but they would</p> <p>4 pretty much handle it in the same manner as other</p> <p>5 equipment that was being removed.</p> <p>6 Q. Did you build foundations for</p> <p>7 Westinghouse turbines?</p> <p>8 A. I don't remember specifically, but my answer</p> <p>9 would be yes, that would be the general type of work</p> <p>10 that I did on all of the ships.</p> <p>11 Q. And did you observe asbestos -- strike</p> <p>12 that.</p> <p>13 Based upon your observations, what, if</p> <p>14 anything, covered the surface of Westinghouse</p> <p>15 turbines?</p> <p>16 A. Initially?</p> <p>17 Q. Yes.</p> <p>18 A. They were covered by asbestos blankets.</p> <p>19 Q. And did you ever observe those asbestos</p> <p>20 blankets being removed from Westinghouse turbines?</p> <p>21 A. Yes.</p> <p>22 Q. And could you describe that process in</p> <p>23 which they would be removed?</p> <p>24 A. Destructive manner, in most cases, if they</p> <p>25 weren't being used again. If there was some reason</p>

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<p>1 that there was no problem, they'd try to preserve the 2 blanket. Otherwise, it got scrapped. 3 Q. And during the occasions on which you 4 observed the asbestos blanket covering being removed 5 from Westinghouse turbines in a destructive manner, 6 what did it look like? 7 MS. WAYNE: Form. 8 A. Destructive blanket. Piece of asbestos that's 9 probably torn and ripped and weathered, dirty, dusty. 10 Q. Okay. Sir, let me move to your time -- 11 strike that. 12 Sir, after you stopped working at the 13 Brooklyn Navy Yard, did there come a point in time 14 when you were employed -- strike that. 15 Sir, after your work at the Brooklyn Navy 16 Yard, did there come a time when you worked out of 17 the Grumman facility? 18 A. Yes. 19 Q. And where was that facility located? 20 A. Several locations. Primarily Bethpage, New 21 York. 22 Q. What was the primary facility that you 23 worked out of while you worked at the Grumman job 24 site? 25 A. There were several, because I held several</p>	<p>1 A. 1966, '67. 2 Q. And when did you stop working at Grumman? 3 A. 1988. 4 Q. And did you work in what was known as the 5 Farmingdale facility? 6 A. I worked there. I wasn't assigned on a 7 regular basis. I might have a project that might 8 keep me there a week or two, a month, but I've been 9 in and out of the Farmingdale office. 10 Q. So, throughout your 22 years or so while 11 working at Grumman, was the Farmingdale facility one 12 of the facilities that you regularly were present in? 13 MR. CHAO: Objection. 14 A. You know, I'm getting a little mixed up. 15 Could I go back? 16 Q. Sure. 17 A. You used the term Farmingdale. Farmingdale is 18 a town on Long Island, and Grumman had plants in 19 there. Honestly, I don't remember any specific -- 20 other than the Bethpage ones, plants at Farmingdale. 21 I'm sure they had it. They also had a facility in 22 Great River where I was really referring to when I 23 was talking about being assigned for a period of 24 time. So, I don't recall -- unless you include all 25 the Bethpage plants in the Farmingdale complex, I</p>
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<p>1 positions. As an aircraft inspector, I worked in 2 some of the manufacturing plants; plants two, three 3 and four, primarily. And as a manager, I primarily 4 worked at plant 35, administrative building, the 5 Navy. 6 Q. Do you also recall working in plant 21 7 sometimes? 8 A. Plant 21, from what I recall, is like a test 9 facility where they brought in aircraft and performed 10 specialized testing on it. 11 Q. And would you sometimes have to go into 12 plant 21 to be involved in testing and inspection? 13 MR. HANNAN: Objection. 14 A. To witness the testing, yes. 15 Q. Okay. Let me ask that again. Was plant 16 21 one of the buildings that you went into during 17 your work at Grumman? 18 A. Yes. 19 Q. And did you go into plant 21 during your 20 work at Grumman in the 1970s? 21 A. Yes. 22 Q. In the 1960s? 23 A. Yes. 24 Q. Now, you started at Grumman in 25 approximately what year?</p>	<p>1 really don't recall working in a facility at 2 Farmingdale. 3 Q. Okay. Did you work at most of the 4 Grumman facilities on Long Island? 5 MR. CHAO: Objection. 6 A. A good majority of them, yes. 7 Q. Can you think of any you -- Grumman 8 facilities on Long Island where you did not work 9 during your 22-year career? 10 A. There might have been some office complexes 11 that I didn't work in. Most of the manufacturing and 12 testing facilities I was in. 13 Q. Now, were the manufacturing and testing 14 facilities different or the same as, I guess what 15 were known as hangars at the Grumman facilities? 16 A. Most of them were known as hangars. 17 Q. So, if you use the word "hangars," are 18 you referring to the areas where aircraft would be 19 tested at Grumman? 20 A. Um-hum. 21 Q. And was there piping in these hangars? 22 MR. CHAO: Objection. 23 A. Absolutely. 24 Q. And was there piping in the hangars at 25 Grumman that transported hot fluids?</p>

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1	MR. CHAO: Objection.		
2	A. Yes.	1	Q. And when contractors would visit Grumman
3	Q. And how do you know that?	2	to do the type of work that you described, would they
4	A. Heated, mostly these hangars were heated by	3	have to abide by the rules set by Grumman, to your
5	hot water heaters and installed on the overhead and	4	knowledge?
6	just re-insulated.	5	A. Absolutely.
7	Q. Now, is there any way to give the jury a	6	Q. And why do you say "absolutely"?
8	sense of how much piping you would observe in the	7	A. Because they were monitored. They had safety
9	hangars that you visited at Grumman?	8	inspectors in the area that had all kinds of
10	A. Might have the heater and every two -- every	9	information that was out there that if there were any
11	space. Hard to say. Enough to make it comfortable	10	safety violations and how they should be reported.
12	for workmen to do their work.	11	Q. And who had safety inspectors in the
13	Q. And do you know whether or not the	12	area?
14	hot pipes that you observed that the hangars at	13	A. Well, Grumman would have the responsibility.
15	Grumman were covered?	14	Q. Sir, let me show you what has been marked
16	A. I recall them being covered.	15	as Defendant's Exhibit 2, 3, and 4 to your
17	Q. And what do you recall about that?	16	deposition. Starting with Exhibit -- Defendant's
18	A. That's about it. I have no idea what they may	17	Exhibit 2, can you just tell the jury what the title
19	have been covered with.	18	of that notebook is?
20	Q. Okay. So, as you sit here today, do you	19	A. "Safety Bulletins Manual."
21	know whether or not the pipe covering on hot piping	20	Q. And what is the name above that?
22	at Grumman contained asbestos?	21	A. "Grumman."
23	A. Yes.	22	Q. And can you turn the cover so the camera
24	Q. Were you ever in the vicinity of this hot	23	can see it?
25	piping in the hangars of Grumman when that pipe	24	(Witness complying with request)
		25	Q. Okay. Thank you. Let me show you
	Page 47		Page 49
1	covering was disturbed --	1	Defendant's Exhibit 3, and what is the title of that
2	MR. CHAO: Objection.	2	notebook?
3	Q. -- or did you ever -- let me ask a	3	A. "Nondestructive Test Manual."
4	different question. Let me withdraw that.	4	Q. And is there -- does it say on the cover
5	Sir, do you think you may have been	5	who -- whose manual that is?
6	exposed to any dust from any of the pipe covering	6	A. "Grumman Quality Control Laboratory."
7	that was used in the hangars at Grumman?	7	Q. Okay. And can you turn that --
8	A. Very possible.	8	A. "Grumman Aircraft Engineering Corporation."
9	Q. And why do you think you may have been	9	Q. Okay. And can you turn that so the
10	exposed to dust from pipe covering in the hangars at	10	camera can see it?
11	Grumman?	11	(Witness complying with request)
12	A. Because there was always some sort of work	12	Q. Thank you. Defendant's Exhibit 4, could
13	going on in the overhead. Either they were changing	13	you tell the jury what the cover page on the inside
14	the piping or changing the lighting. Always	14	cover states?
15	something going on, and there was always dust coming	15	A. "Quality and Safety Operations."
16	down.	16	Q. And is there a name?
17	Q. And do you remember that occurring on a	17	A. "Grumman Military/Space Quality Procedures
18	number of occasions?	18	Grumman."
19	A. Yes.	19	Q. And can you show that to the jury? Show
20	Q. Mr. Gitto, who was in charge of safety at	20	that page to the jury.
21	Grumman?	21	(Witness complying with request)
22	MR. CHAO: Objection to the form.	22	Q. And is that your name on the top right
23	A. Grumman had a corporate safety department that	23	corner of that page?
24	has, I believe, a responsibility with overall safety	24	A. Yes.
25	operations there.	25	Q. Okay. Thank you, sir.

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<p>1 Were these notebooks, Defendant's 2 Exhibits 2, 3 and 4, issued to you while you were 3 employed at Grumman? 4 A. Yes. 5 Q. And have you maintained custody of these 6 notebooks until today? 7 A. Yes. 8 Q. Have you been able to find any reference 9 to asbestos or the hazards of asbestos in any of 10 these notebooks? 11 A. No. 12 Q. Prior to the mid- through late '80s, did 13 you have any knowledge about their being any hazards 14 associated with asbestos? 15 A. Prior to the mid-'80s, no. 16 Q. Did the manufacturers of any equipment 17 warn you about any hazards of asbestos? 18 MS. MITTELMAN: Objection. 19 A. No. 20 Q. Prior to the mid-'80s, did Grumman ever 21 give you any information about the hazards of 22 asbestos? 23 MR. CHAO: Objection. 24 A. No. 25 Q. How did you learn in approximately the</p>	<p>1 recognize it? 2 A. My Navy identification badge. Allowed me 3 access to and from Grumman. 4 Q. And can you show that to the jury so the 5 camera can see it? 6 (Witness complying with request) 7 Q. And it says the issue date is April 23, 8 1974. 9 A. Probably renewed it at that time. 10 Q. Okay. And does this identification 11 reflect that your employer was the United States 12 Government and not Grumman? 13 A. Yes. 14 Q. Okay. Thank you. 15 Sir, you testified at earlier depositions 16 about your other jobs, which included work for the 17 MTA; is that correct? 18 A. Yes. 19 Q. And do you know with any certainty 20 whether you were exposed to asbestos at the MTA? 21 A. With any degree of certainty, no. 22 Q. You also discussed other jobs you had 23 going all the way up to prior to you becoming ill 24 when you had your own business. Do you remember 25 that?</p>
<p>1 mid-'80s that asbestos was hazardous? 2 A. I believe it was the Navy that started the 3 program, started to survey all people that have 4 worked anywhere near or around asbestos, and they 5 started requiring chest X-rays for anybody that 6 was... I believe that was the first thing I heard. 7 Q. And that information came from the Navy? 8 A. Navy. 9 Q. Did Grumman ever supply you with any 10 information about asbestos? 11 A. Not that I recall. 12 Q. During your entire career working at 13 Grumman, who was your employer? Who was your 14 official employer? 15 A. United States Navy. 16 MR. BLOCK: And can we mark this as 17 Plaintiff's -- just Plaintiff's Exhibit next, 18 please. 19 (Whereupon, the referred-to document was 20 marked Plaintiff's Exhibit 4 for 21 Identification by the court reporter.) 22 MR. BLOCK: And this is actually going to 23 be Plaintiff's Exhibit 4. 24 Q. And let me show you what has been marked 25 as Plaintiff's Exhibit 4. Mr. Gitto, do you</p>	<p>Page 51</p> <p>1 A. No. I'm not sure what you're referring to. 2 Q. Your last -- prior to becoming ill, sir, 3 can you tell the jury what your job was, about your 4 business? 5 A. I was running a quality consulting business. 6 Q. Okay. And what was the name of that 7 company? 8 A. SJG Enterprises. 9 Q. Okay. Sir, I want to ask you some 10 questions now about your family and what your life 11 was like before you became ill with mesothelioma, 12 okay? Why don't we start out with your wife, and 13 tell the jury your wife's name again. 14 A. Phyllis. 15 MR. BLOCK: Okay. Let's mark these next 16 exhibits as -- just in order. 17 (Whereupon, the referred-to photographs 18 were marked Plaintiff's Exhibits 5, 6, 7 and 8 19 for Identification by the court reporter.) 20 Q. Mr. Gitto, let me show you what has been 21 marked as Plaintiff's Exhibit 5, 6 and 7. Before we 22 go up to recent years, how did you and your wife 23 meet? 24 A. On a blind date. 25 Q. And were you still a teenager at the</p>

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1 time?		1 sunny place?
2 A. Sixteen.		2 A. This one was Florida.
3 Q. And do you remember what you did on that		3 Q. Okay.
4 blind date?		4 A. I think Sanibel Island.
5 A. Got my face slapped.		5 Q. Can you show the jury that picture?
6 Q. Seriously.		6 (Witness complying with request)
7 A. We went to the movies.		7 A. Captiva Island.
8 Q. You did. Okay. And do you remember what		8 Q. Okay, sir. Let me show you another
9 movie you saw?		9 picture -- strike that. Mr. Gitto, have you and your
10 A. No. She probably does.		10 wife built a large family together?
11 Q. Okay. And over the years, have you and		11 A. Yes.
12 your wife enjoyed traveling?		12 Q. Let me show you what's been marked as
13 A. Very much so.		13 Plaintiff's Exhibit 8.
14 Q. And with reference to some of the		14 A. This is all three children, seven
15 photographs that I've shown you, why don't we start		15 grandchildren.
16 with Plaintiff's Exhibit 5. If you can just look at		16 Q. Take a minute if you need to. Could you
17 it, and once you've looked at it, if you can turn it		17 -- could you tell -- where was that picture taken?
18 so the jury can see it, Mr. Gitto.		18 A. My living room. Shows my oldest grandson, 21.
19 A. I believe that's the Grand Canyon.		19 Sorry.
20 Q. And was that one of the places you and		20 Q. That's okay. Can you tell us -- I know
21 your wife traveled to?		21 you have a lot of grandchildren.
22 A. Um-hum, bus tour.		22 A. Seven.
23 Q. All right. And was that within the last		23 Q. And do you remember all their names, or
24 several years?		24 can you do your best to tell us the name of your
25 A. Last five years maybe.		25 seven grandchildren?
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1 Q. Okay. And can you show us Plaintiff's		1 A. I think so. Peter is the oldest, Jeffrey,
2 Exhibit 6 that you have in your hand?		2 Alexander -- that's not Alexander.
3 (Witness complying with request)		3 Q. Andrew?
4 Q. Where were -- where were you and your		4 A. Andrew, Katie, Nicky, Brian and Matthew.
5 wife traveling that time?		5 Q. That picture was taken here in your home?
6 A. Not quite sure, honest to God. Could have		6 A. Yes.
7 been -- could have been Pennsylvania.		7 Q. And has that been something that you've
8 Q. Okay. All right. If --		8 always enjoyed, having your family come to your home
9 A. I don't remember.		9 here?
10 Q. Okay. What's in the background there?		10 A. As often as possible.
11 A. It's like a canal of some sort, bridge, water.		11 Q. Thank you, sir. Has being active with
12 Q. Okay. And when you -- when you and your		12 your grandchildren been something that you've always
13 wife would travel, I see there's a backpack on your		13 enjoyed?
14 back there. Did you like to take trips where you had		14 A. Um-hum.
15 to be active?		15 MR. BLOCK: Let's mark this -- I'm just
16 A. All the time.		16 going to refer to this, for the record -- and
17 Q. And can you tell the jury a little bit		17 we can mark it later -- as Plaintiff's Exhibit
18 about that?		18 8.
19 A. Well, both my wife and I enjoyed traveling,		19 ****
20 seeing new places, doing new things, and we'd take a		20 (Inadvertently referred to as a
21 lot of side trips, find a lot of interesting places.		21 previously-marked exhibit number, Exhibit 8.
22 Q. Let me show you what's been marked as		22 For purposes of record, remarked by reporter
23 Plaintiff's Exhibit 7.		23 as Exhibit 8(a). Please take note.)
24 A. Um-hum.		24 Q. Do you recognize that photograph, sir?
25 Q. Do you recall where you were in that		25 A. That's me and one of my grandsons coming down

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<p>1 with the snowplow down the hill at Villa Roma, I 2 believe it was, in the Adirondacks. 3 Q. Tell the jury about Villa Roma and how 4 that related to the times you've spent with your 5 family. 6 A. We have a couple of weeks of time sharing. 7 One of the weeks is in the winter that we love to go 8 up and do skiing and snowplowing. 9 Q. Can you just show that picture to the 10 jury? 11 (Witness complying with request) 12 Q. I'm going to show you another picture, 13 which is -- which we'll mark as Plaintiff's Exhibit 14 9. Do you remember that trip? 15 A. Yeah. Guess leaning to the last number of 16 years, maybe ten years spent one week in the 17 Adirondacks at a lake called Loon Lake, and we liked 18 to take side trips, and this was a white-water 19 rafting trip that we took. 20 Q. And where are you in the picture? 21 A. That's me in the forefront (indicating). 22 Q. The front of the boat? 23 A. Front of the boat. 24 Q. Doing all the work? 25 A. Yes.</p>	<p>1 Exhibit 10 a photograph. 2 Q. And can you tell the jury what that 3 photograph depicts? 4 A. I think I need a minute. 5 Q. Okay. 6 MR. BLOCK: Can we go off the video for 7 just a moment? 8 (Whereupon, a brief recess was taken) 9 MR. BLOCK: Let's go back on the video. 10 THE VIDEOGRAPHER: Back on the record. 11 The time is 1:31 p.m. 12 A. I believe this picture was taken at the 13 ceremony where my oldest grandson became an Eagle scout, 14 and it shows the involvement of the rest of the 15 family, all the boys, the men in the family. 16 Q. I see that you have around you a vest of 17 some sort? 18 A. That's the Order of the Arrow sash. It's a 19 semi -- semi-secret scouting society that you only 20 enter in by invitation. 21 Q. And were you involved in the scouts with 22 both yourself and with your family up until the 23 present, up until about recently? 24 A. Still involved. 25 Q. Still are?</p>
<p>Page 59</p> <p>1 Q. Can you show us, I think you -- I think 2 one of your sons and maybe one of your grandchildren 3 are pictured there. Could you maybe take this pen, 4 and while it's facing the jury, just point it out 5 or... 6 A. This is my oldest son, Stephen. 7 Q. Okay. 8 A. And that's his son Matthew. 9 Q. Okay. Can you hold that up, and I can 10 help you. 11 (Witness complying with request) 12 Q. So, your oldest son is Stephen at the 13 front of the boat with you, and your grandson, 14 Matthew, is in between the front of the boat? 15 A. Yes. 16 Q. And when was that trip? 17 A. Probably no more than two years ago. 18 Q. Was scouting, the Boy Scouts, always 19 something that you've enjoyed during your life? 20 A. As a boy there, got involved in scouting at 21 the age of 12, and to some extent, I guess I've 22 always been involved. All of my family, all my boys, 23 including my wife somewhat, have been involved in 24 scouting. 25 MR. BLOCK: Let me mark as Plaintiff's</p>	<p>Page 61</p> <p>1 A. Yes. Couple of my sons are going for -- 2 heading towards Eagle scouts. 3 Q. Have you taken leadership positions with 4 the Scouts? 5 A. I was and held positions as assistant scout 6 master, scout master, chairman; as my wife held 7 positions, responsibilities with cub scouts. 8 Q. And is that always something you've 9 enjoyed in your life? 10 A. Always. 11 Q. Tell me about the holidays, such as 12 Christmas, and how you would spend those holidays 13 with your family? 14 A. Normally we did, at least once on the 15 holidays, all try to get together and have dinner 16 here. It's such a big family, sometimes it's 17 difficult, but we usually manage once. We'll all get 18 together. 19 Q. Let me show you what's been marked as 20 Plaintiff's Exhibit 11. 21 A. Goes back a few years with me dressed up as 22 Santa Claus. 23 Q. And are those all seven of your 24 grandchildren with you there? 25 A. All seven accounted for.</p>

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<p style="text-align: right;">Page 62</p> <p>1 Q. Do you remember where that picture was 2 taken? 3 A. Pretty sure it was in the living room here. 4 Q. Thank you, sir. Sir, how has your 5 diagnosis of mesothelioma affected you physically as 6 compared to how you were physically before the 7 disease? 8 A. Night and day. I had no serious medical 9 problems, although I had been diagnosed with -- 10 Q. Prostate cancer? 11 A. Prostate cancer close to 20 years ago, and 12 they never really did anything for it except for 13 watchful waiting and never really had any other 14 serious medical -- I had a melanoma mole that was 15 removed. It was diagnosed. It was no problem. 16 Until recently, no other serious medical problem. 17 Q. You said that the mesothelioma has 18 changed you physically night and day. 19 A. Night and day. 20 Q. Can you describe that for the jury so 21 they understand? 22 A. How could I describe it? It's just changed my 23 life. I really couldn't describe it at this point in 24 time. It still hasn't all sunk in, I guess. 25 Q. Are you able to do the same types of</p>	<p style="text-align: right;">Page 64</p> <p>1 emotionally? 2 A. Elevated my emotions very, very close to the 3 surface. Sometimes as I start talking, I can't 4 continue. It's brought everything to a heightened 5 effect. 6 Q. Do you feel anxious or worried? 7 A. Obvious, not knowing what the future brings, 8 but one always remains with hope. 9 Q. Are there things that you're not able to 10 do for your wife around the house or things you're 11 not able to do with your wife now that you were able 12 to do before? 13 A. Just about everything. She's taken over, 14 quite well. I'm very little help to her. We're 15 lucky that we're back here with the help of our 16 children and able to spend some time with us, give 17 her a hand. 18 Q. Did you find out yesterday the results of 19 a recent PET scan? 20 A. Yeah. 21 Q. And what is your understanding of your 22 condition right now? 23 A. After three phases of chemo, there really 24 hasn't been much change. Might have noticed some 25 slight improvement. Some may have noticed some areas</p>
<p style="text-align: right;">Page 63</p> <p>1 things physically now as to compared before you had 2 your mesothelioma? 3 A. No, not even close. 4 Q. What type of things does the mesothelioma 5 prevent you now from doing physically? 6 A. I won't drive the car by myself. I have a 7 difficult time climbing steps, but I can climb very 8 slowly. Only physical activity that I'm ever able to 9 perform, a little, some short walks. I can still 10 dress myself, shower, but very carefully. I'm 11 undergoing chemotherapy, which is taking a toll on 12 me. Pretty horrible, and that debilitates almost all 13 the other functions. 14 Q. What are some of the symptoms or side 15 effects that you've experienced through the 16 chemotherapy? 17 A. For one, I've lost half my hearing, which is 18 not a pleasant thing. Tingling in the feet. I can 19 barely feel my soles and -- sorry. There's nausea. 20 There's some pain, not too bad. The body functions 21 are all screwed up. Still have to have that 22 straightened out. Different medications have 23 different side effects, so... 24 Q. How has the mesothelioma affected your -- 25 strike that. How has the mesothelioma affected you</p>	<p style="text-align: right;">Page 65</p> <p>1 of some deterioration and other areas of no change. 2 So, not much has changed. 3 Q. I understand you're going to meet with 4 your oncologist on Monday? 5 A. Um-hum. 6 Q. And are you aware of decisions that you 7 are going to have to make for your future? 8 A. Um-hum. 9 Q. And can you tell the jury what your 10 understanding is of those? 11 A. I'd rather not. 12 Q. Okay. Is it hard to talk about? 13 A. Right now, yes. 14 Q. You mentioned before, sir, that you never 15 give up hope. 16 A. It's part of religion. 17 Q. Is there any way for you to describe to 18 the jury your outlook going forward? 19 A. Kind of said from the beginning when this 20 happened that I'm really not afraid of dying. I know 21 everybody gets born, everybody lives a life, and 22 everybody dies. I think it's the quality of life 23 that's important. I think I had a good life. I 24 don't think I could have asked for much more, and 25 pray for an easy and a bless-ful death.</p>

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<p style="text-align: right;">Page 66</p> <p>1 MR. BLOCK: Thank you very much, sir. 2 THE VIDEOGRAPHER: Off the record. The 3 time is 1:42 p.m. 4 (Whereupon, a brief recess was taken) 5 MR. BLOCK: Just for the stenographic 6 record, defense counsel has indicated they 7 have no cross-examination at this point. So, 8 the discovery deposition is complete, and the 9 video deposition is complete. Thank you very 10 much. 11 (Whereupon, the referred-to photographs 12 were marked Plaintiff's Exhibits 8(a), 9, 13 10 and 11 for Identification by the court 14 reporter.) 15 (Time Noted: 1:47 p.m.)</p> <p>16 17 18 19 20 21 22 23 24 25</p>	<p style="text-align: right;">Page 68</p> <p>1 C E R T I F I C A T E 2 3 I, DORENE MAROTTA, a Notary Public and 4 Certified Shorthand Reporter sworn within the State 5 of New York, do hereby certify that prior to the 6 commencement of the examination 7 8 SALVATORE GITTO 9 10 was sworn by me to testify the truth, the whole truth 11 and nothing but the truth. 12 I DO FURTHER CERTIFY that the foregoing is a 13 true and accurate transcript of the testimony as 14 taken stenographically by and before me at the time, 15 place and on the date herein before set forth. 16 I DO FURTHER CERTIFY that I am neither a 17 relative of nor employee, nor attorney, nor counsel 18 for any of the parties to this action, and I am 19 neither a relative nor employee of such attorney or 20 counsel, and that I am not financially interested in 21 the action. 22 23 24 25 <hr/>DORENE MAROTTA, C.S.R.</p>
<p style="text-align: right;">Page 67</p> <p>1 C E R T I F I C A T I O N O F W I T N E S S 2 3 I have read the foregoing transcript of my 4 deposition, and find it to be true and accurate to 5 the best of my knowledge and belief. 6 7 8 9 10 <hr/> 11 SALVATORE GITTO 12 13 14 Sworn and subscribed to before me on 15 this _____ day 16 of _____, 2007. 17 18 19 20 Notary Public _____ 21 My commission expires _____ 22 23 24 25</p>	